

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

DEFENDANT'S MOTION TO EXCLUDE EXPERT TESTIMONY AND OPINIONS OF
PAUL F. BYRNES

Defendant South Carolina Central Railroad Company, LLC (“SCRF” or “defendant”) pursuant to Fed. R. Evid. 702 and Local Rule 7.1, hereby moves this Court for an order excluding from evidence the report and opinions of Paul F. Byrnes. In support of its motion, SCRF shows the court the following:

1. Plaintiff asserts claims under the Federal Employers' Liability Act ("FELA"), 45 U.S.C. § 51 *et seq.*,

2. Plaintiff named Paul F. Byrnes as an expert witness and submitted his report dated July 20, 2017.

3. Byrnes' testimony has been previously excluded in whole or in part in multiple jurisdictions.

4. Byrnes' report is filled with statements and opinions that are inaccurate, irrelevant, unnecessary and unhelpful, and improper because they are little more than bald statement of law and legal conclusions. Further, these opinions are based purely on speculation and belief, rather than derived using scientific or other valid methods.

5. Defendant relies on its contemporaneously filed memorandum of law in support of this motion.

WHEREFORE, defendant South Carolina Central Railroad, LLC, respectfully requests that the Court grant its motion to exclude Byrnes' report and testimony and for such other and further relief as the Court deems appropriate.

Respectfully submitted, this the 30th day of December, 2017.

BY: s/ John C. Millberg
John C. Millberg, SC Federal ID# 8026
Attorney for defendant South Carolina Central
Railroad Company, LLC
MILLBERG GORDON STEWART PLLC
1101 Haynes Street, Suite 104
Raleigh, NC 27604
Telephone: (919) 836-0090
Facsimile: (919) 836-8027
Email: jmillberg@mgsattorneys.com

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participating attorneys.

This, the 30th day of December, 2017.

BY: s/ John C. Millberg

John C. Millberg, SC Federal ID# 8026
Attorney for defendant South Carolina Central
Railroad Company, LLC
MILLBERG GORDON STEWART PLLC
1101 Haynes Street, Suite 104
Raleigh, NC 27604
Telephone: (919) 836-0090
Facsimile: (919) 836-8027
Email: jmillberg@mgsattorneys.com